

\*\*\*\*\*

JACQUELINE ROBINSON,

Petitioner,

v.

SECRETARY OF HEALTH AND  
HUMAN SERVICES,

Respondent.

\*\*\*\*\*

Special Master Katherine E. Oler

Filed: June 3, 2020

Petitioner’s Motion for a Decision;  
Dismissal of Petition; Vaccine Act.

*Mary E. Holmes*, U.S. Dep't of Justice, Washington, DC, for Respondent.

<sup>2</sup> The Vaccine Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3758, codified as amended at 42 U.S.C. §§ 300aa-10 through 34 (2012) (“Vaccine Act” or “the Act”). Individual section references hereafter will be to § 300aa of the Act (but will omit that statutory prefix).

this request on August 20, 2019. *See* Non-PDF order of August 20, 2019. Petitioner asked for several extensions of time to file this expert report. *See* ECF Nos. 25, 27 29, and 30. No report was ever filed.

Petitioner filed a motion to dismiss on June 2, 2020, indicating that Petitioner “has determined that she will be unable to prove entitlement to compensation in the Vaccine Program and to proceed further would unnecessarily expend the resources of the Court, the Respondent and the Vaccine Program.” Pet’r’s Mot., ECF No. 31 at 2.

To receive compensation under the Vaccine Program, a petitioner must prove either (1) that she suffered a “Table Injury” – i.e., an injury falling within the Vaccine Injury Table – corresponding to her vaccination, or (2) that she suffered an injury that was actually caused by a vaccine. *See* §§ 13(a)(1)(A) and 11(c)(1). Moreover, under the Vaccine Act, a petitioner may not receive a Vaccine Program award based solely on her claims alone. Rather, the petition must be supported by either medical records or by the opinion of a competent medical expert. § 13(a)(1). In this case, however, there is insufficient evidence in the record for Petitioner to meet her burden of proof. Petitioner’s claim therefore cannot succeed and, in accordance with her motion, must be dismissed. § 11(c)(1)(A).

**Thus, this case is DISMISSED for insufficient proof. The Clerk shall enter judgment accordingly.**

**IT IS SO ORDERED.**

**s/ Katherine E. Oler**

Katherine E. Oler  
Special Master